IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE GOPALAKRISHNA TAMADA

Writ Petition No.26897 of 1999

Dated: 24-04-2007

Between:

Smt. Gosu Pullamma, w/o Narsaiah,
r/o P. Ankampalem,
Jeelugumilli Mandal,
West Godavari District.

... Petitioner

and

1. The District Collector,
   West Godavari,
   Eluru and 3 others.

... Respondents

ORDER:

This writ petition is filed seeking a *mandamus* to declare the action of respondents in interfering with petitioner's peaceful possession and enjoyment of the lands in an extent of Acs.11-13 cents in Sy.No.120/4 of P. Narayanapuram village, Jeelugumalli Mandal, West Godavari District, contrary to the orders of third respondent in SR Nos.48 to 52/91, 109 to 112/91 and 189/91, dated 10-04-1992, as

illegal and arbitrary and consequently direct respondents not to interfere with the peaceful possession and enjoyment of the lands in question and also not to conduct the re-survey of the said lands.

2. Petitioner states that her father purchased the lands in question about 100 years back. At the time of her marriage, her father given the said lands to her towards pasupu-kumkuma and after marriage she was inducted into possession of the said lands. After commencement of Andhra Pradesh Scheduled Areas Land Transfer Regulations 1 of 1959 as amended by 1 of 1970 (for short, 'Regulations'), the Special Deputy Tahasildar (Tribal Welfare), K.R.Puram made a complaint against
her under Regulation 3(2)(a) of the Regulations before third
respondent – Special Deputy Collector (Tribal Welfare), K.R.Puram stating that she and her brothers are in possession of the scheduled land situated in Agency Area, which is in contravention of the Regulations and sought ejectment. The third respondent after conducting an enquiry by an order dated 10-04-1992 in S.R.Nos.48 to 52/91, 109 to 112/91 and 189/91 held that the lands were never held b y tribals and there was no violation of the provisions of the Regulations. Against the said order, an appeal is provided for to the Agent to the Government, but, as no appeal is preferred, the said order has become final.

3. Now the grievance of petitioner is that though the said order has become final, second respondent – Mandal Revenue Officer, who has no jurisdiction in matters relating to the Regulations, on the ground of
re-survey of the lands, is trying to interfere with her possession and enjoyment of the lands in question.

4. Heard learned counsel for the parties.

5. When once a judgment is rendered, it is settled legal proposition that it becomes final and the said judgment cannot be reviewed at a later stage. If the parties so choose, they are always at liberty to file appeals, but the question of reviewing does not arise.

6. In the instant case, second respondent – Mandal Revenue Officer,
I do not know under which provision of law is trying to re-survey the lands and interfering with petitioner's peaceful possession and enjoyment of the lands in question. No doubt, a Special Deputy Tahasildar can always question the orders passed by the Special Deputy Collector
(Tribal Welfare) but as the order is dated 10-04-1992, and no appeal has been preferred, it must be construed that the said order has become final. So long as the said order is in existence, definitely the second
respondent – Mandal Revenue Officer has no right or authority to interfere with petitioner's peaceful possession and enjoyment of the lands in question.

7. Accordingly, the writ petition is allowed and second respondent – Mandal Revenue Officer is directed not to interfere with petitioner's peaceful possession and enjoyment of the lands in question. No costs.

JUSTICE GOPALAKRISHNA TAMADA

Dt.24-04-2007
GLV